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Attorneys for Oracle Corporation

**UNITED STATES DISTRICT COURT**

**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**OAKLAND DIVISION**

SAUDI SYSTEMS CORPORATION, a Saudi  
Arabian corporation,

Plaintiff,

vs.

ORACLE CORPORATION, a California  
corporation,

Defendant.

and Related Case

) Case No. C06 7932 CW

) Case No. C07 0419 CW

) **STIPULATION AND ORDER**  
) **REVISING BRIEFING AND**  
) **HEARING SCHEDULE AND**  
) **CONTINUING DATES FOR**  
) **RULE 26(f) REPORT AND ADR**  
) **DEADLINES AS MODIFIED**

Pursuant to *Civil Local Rule 6-2*, Saudi Systems Corporation (“Saudi Systems”) and Oracle Corporation (“Oracle”) stipulate and agree as follows:

1. Saudi Systems filed its Complaint in *Saudi Systems Corporation v. Oracle Corporation*, Case No. C06 7932 CW. Oracle then responded by moving to dismiss the entire Complaint on the grounds that it barred by res judicata and collateral estoppel arising out of the parties’ prior arbitration. Oracle also filed a Petition in *Oracle Corporation v. Saudi Systems Corporation*, Case No. C07 0419 CW, and asked this Court to confirm the arbitration award. Saudi Systems has opposed Oracle’s motion and filed a motion to dismiss Oracle’s Petition. Pursuant to the Court’s February 20, 2007 Order, the Court consolidated both the briefing and the hearing on these motions.

2. The hearing on the parties’ respective motions to dismiss is currently set for 10:00 a.m. on Friday, April 27, 2007, but Andrew Petrie, lead counsel for Saudi Systems, now has a scheduling conflict such that he is unable to attend the hearing on that date. Counsel for both parties are able to attend a hearing on Friday, May 18, 2007, and on that basis have agreed jointly to ask this Court to reschedule the hearing.

3. Both parties wish to allow each other an additional week to file their respective remaining briefs.

4. Saudi Systems and Oracle therefore respectfully request that:

- (a) The Court move the April 27 hearing to May 18 at 10:00 a.m.;
- (b) The Court move Oracle’s deadline to file and serve its consolidated reply in support of its motion to dismiss the Complaint and its opposition to Saudi System’s motion to dismiss the Petition from April 6, 2007 to April 13, 2007; and
- (c) The Court move Saudi System’s deadline to file and serve its reply in support of its motion to dismiss the Petition from April 13, 2007 to April 20, 2007.

5. In view of the potentially-case dispositive nature of the parties’ cross-motions to dismiss, and the threshold question they address of the effect of the parties’ prior arbitration, the

1 parties request additional relief regarding the case management conference, the conference and  
2 report Fed. R. Civ. P. 26 requires, and the deadlines the ADR Local Rules set.

3         6.       The parties previously requested, and the Court ordered, that the date for  
4 exchange of their initial disclosures be continued until 30 days after service of the rulings on the  
5 parties' motions (*see* Court Feb. 20, 2007 Order ¶ 8).

6         7.       The Case Management Statements (and accompanying Rule 26(f) Reports) in  
7 these related cases are currently due on April 6. Accordingly, counsel for the parties  
8 preliminarily met and conferred as Rule 26(f) requires. In so doing, they recognized and agreed  
9 that further discussion of a discovery plan and other case calendaring dates would be  
10 hypothetical and premature for the same reasons that they agreed to postpone exchange of initial  
11 disclosures. Counsel for the parties also agreed that any discussion of ADR and other settlement  
12 possibilities is not realistic until after the Court rules on the parties' motions, which ruling may  
13 end either or both actions and moot the need for ADR or settlement, or, at a minimum, influence  
14 the parties' settlement positions.

15         8.       In view of the foregoing, and the detailed statements of the parties' positions in  
16 their respective briefing, Saudi Systems and Oracle respectfully request that the Court:

17               (a)       Reschedule the case management conference set for April 27, 2007 to  
18 follow the Court's rulings on the parties' cross-motions to dismiss;

19               (b)       Continue the parties' deadline to meet and confer regarding the subjects of  
20 the Case Management Statement, initial disclosures, early settlement, ADR process  
21 selection, and discovery plan until fourteen days before the date of the re-scheduled case  
22 management conference;

23               (c)       Continue the parties' deadline to file Joint ADR Certifications with  
24 Stipulation to ADR Process or Notice of Need for ADR Phone Conference until fourteen  
25 days before the date of the re-scheduled case management conference; and

26               (d)       Continue the parties' deadline to submit Case Management Statements  
27 and to file and serve their Rule 26(f) reports until seven calendar days before the date of  
28 the re-scheduled case management conference.

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2 Dated: March \_\_, 2007  
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4 Respectfully submitted,

5 **GREENAN, PEFFER, SALLANDER &**  
6 **LALLY, LLP**

7  
8 By: \_\_\_\_\_  
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14 By: \_\_\_\_\_  
15 Margret M. Caruso  
Attorneys for Oracle Corporation  
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**ORDER**

Pursuant to the stipulation of the parties and with good cause appearing, the Court sets the briefing and hearing schedule in these related actions, and continues the time for submission of the Joint Case Management Statements, the conference and report Fed. R. Civ. P. 26 requires, and the deadlines the ADR Local Rules set, as follows:

1. Oracle shall have up to and including April 13, 2007 to file and serve its consolidated: (a) opposition to Saudi Systems' motion to dismiss Oracle's petition to confirm the arbitration award; and (b) reply in support of its motion to dismiss Saudi Systems' Complaint.
2. Saudi Systems shall have up to and including April 20, 2007 to file and serve its reply in support of its motion to dismiss Oracle's petition.
3. The hearing currently scheduled for April 27, 2007 on the motions filed by Saudi Systems and Oracle and the case management conference shall be rescheduled for **May 24, 2007, at 2:00 p.m.**
4. The case management conference currently scheduled for April 27, 2007 will be rescheduled following the Court's rulings on the parties' cross-motions to dismiss.
5. The parties shall have until fourteen days before the date of the re-scheduled case management conference to meet and confer regarding the subjects of the Case Management Statement, initial disclosures, early settlement, ADR process selection, and discovery plan;
6. The parties shall have until fourteen days before the date of the re-scheduled case management conference to file Joint ADR Certifications with Stipulation to ADR Process or Notice of Need for ADR Phone Conference;
7. The parties shall have until seven calendar days before the date of the re-scheduled case management conference to submit the Joint Case Management Statement and to file and serve their Rule 26(f) reports in these related cases.

1 **IT IS SO ORDERED.**

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4 March 29, 2007

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6 Claudia Wilken  
7 UNITED STATES DISTRICT JUDGE  
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